

DECISION IN BIG HIGH POINT CASE

Court of Appeals Reverses Greensboro District Court in \$50,000 Litigation.

LEGAL FIGHT OVER ASSETS

Opinion Favors Claim of E. A. Snow, J. E. Kirkman and J. H. Millis.

E. A. Snow, J. E. Kirkman and J. H. Millis, officers and directors of the Eagle Furniture Company, of High Point, N. C., are the winners in an important opinion handed down yesterday by the United States Circuit Court of Appeals, reversing the judgment of the United States District Court at Greensboro. The litigation grows out of the failure of the furniture company and a dispute between parties to the bankruptcy proceedings with regard to the division of the assets.

From the record it appears that W. H. Ragan, of High Point, one of the incorporators of the Eagle Furniture Company, was for some time active manager of the concern, and later succeeded in that position by his son, Charles Ragan. In 1905 the company's plant was partially destroyed by fire. W. H. Ragan, prior to 1907, had borrowed on his individual indorsement from the Wachovia Loan and Trust Company, of High Point, about \$28,000 with which to carry on the business of the Eagle Furniture Company.

Seeks Joint Indorsement. In 1907 W. H. Ragan represented to E. A. Snow, J. E. Kirkman and J. H. Millis, directors of the company, that it was not fair that he bear the burden of the loans alone, and asked that they become joint indorsers with him upon the paper held by the Wachovia Loan and Trust Company. They declined to assume the liability without adequate security.

As a compromise, it was decided to issue \$50,000 in bonds, secured by deed of trust on the concern, to be deposited as security for the joint indorsement.

The bonds were voted at a regular meeting of the board of directors of the Eagle Furniture Company and deposited with C. L. Glenn, trustee, to be held by him as protection for the joint indorsers. Thereupon assumed responsibility for the \$28,000 indebtedness to the Wachovia Loan and Trust Company, and for an additional \$5,000 which was borrowed to tide the company over a period of stress.

Owed Other Money. The Eagle Furniture Company shortly afterwards became bankrupt, and W. H. Ragan filed a petition with the referee, naming additional debts amounting to \$12,500, assumed by him individually for the Eagle Furniture Company, of which he had not appraised the directors at the time of the bond issue.

Notes for this amount were held severally by the Greensboro National Bank, Wachovia National Bank, American National Bank, of Wilmington; Bank of Lexington and C. A. Kime. Ragan's petition asked the referee to direct that he be permitted to share upon his individual indorsement in the security afforded by the bonds and mortgages along with the joint indorsers upon the notes due the Wachovia Loan and Trust Company. The referee approved the petition, and ordered that the assets be applied pro rata to liquidate the claims held by the Wachovia Loan and Trust Company and those held by the other banks and

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Individuals, indorsed by W. H. Ragan individually.

An appeal from the order of the referee was noted with the United States District Court at Greensboro by E. A. Snow, J. E. Kirkman and J. H. Millis, who pleaded the bonding order passed by the board of directors on July 15, 1907, which provided that "should the said J. H. Millis, E. A. Snow, J. E. Kirkman and W. H. Ragan, at any time have to pay any money on account of the said indorsements, they hereby order and direct that the said bonds, or a sufficient number of them, be turned over to them to indemnify and save them harmless from said indorsement."

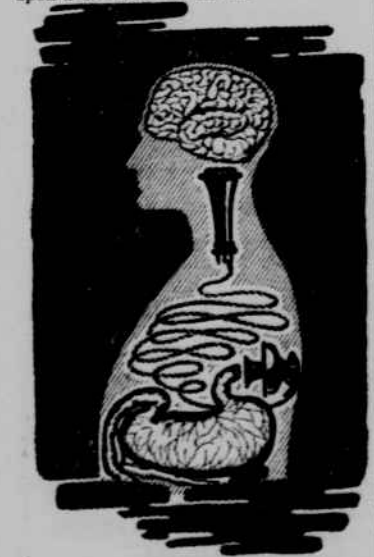
Reversal by Court of Appeals. The District Court at Greensboro, on January 6, 1912, affirmed the order of the referee and denied the petitioners relief. These brought the matter to the Circuit Court of Appeals on petition to superintend and revise the verdict of the lower court. In its opinion yesterday the Circuit Court of Appeals held that the case was reviewable by it only by appeal and not by petition to superintend and revise.

On the merits of the case, however, the court was of the opinion that the judgment of the lower court was erroneous and must be reversed. Judge Keller, who wrote the opinion, says: "We hold that the directors' resolution of July 15, 1907, provided security for indorsers of such notes only as were jointly indorsed by the four gentlemen named in said resolution, and we accordingly hold that the order of the district judge, entered January 6, 1912, was erroneous and must be reversed. This case is remanded to the District Court of the Western District of North Carolina for further proceedings not inconsistent with this opinion."

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CALL BOY SCOUTS TO MEET FRIDAY

Great Conference of Leaders to Be Held at First Presbyterian Church.

Leaders of the Boy Scout and Covenantant work will gather Friday night at 8 o'clock in the First Presbyterian Church for a rally in charge of John Alexander, of Chicago, superintendent of the secondary division of the International Sunday School Association, and Dr. A. L. Phillips, of Richmond, general superintendent of Sunday Schools and young people's societies of the Southern Presbyterian Church.

All workers among white boys of this city, regardless of denomination, are cordially invited to attend the meeting and hear from the lips of Mr. Alexander and Dr. Phillips the best methods of conducting the work. Invitations have been issued as well to the superintendents of all Sunday schools in the city, all leaders of boy work societies as Boy Scouts, Covenanters, Boys' Brigades, etc., and the same invitation is being delivered through the public schools.

In the hope of interesting the boys themselves in the work, invitations have been issued to all boys in the city between the ages of ten and eighteen years. Seats will be reserved for organizations of boys coming in a body if request is made of Dr. Phillips in due time. At 2 o'clock Friday afternoon, Mr. Alexander will meet the students of the Union Theological Seminary at Ginter Park for a conference. Leaders are invited also to join this conference.

The meeting here Friday night is the wind-up of a trip which Dr. Phillips and Mr. Alexander have been making over the South in the interest of work among white boys. Huntington, W. Va., and Lexington, Greensboro, N. C., and Chester, S. C., have been visited by the two leaders. Conferences in these places have resulted most satisfactorily.

Farm Hand Burns to Death. [Special to The Times-Dispatch.] Orange, Va., February 3.—Fire Saturday night destroyed a tenant house owned by Octavia Nelson's farm, about four miles from Orange, burning to death a farm hand, Gifford Gaines, colored.

Spotsylvania Votes Bonds for Good Roads

(Special to The Times-Dispatch.)

ary 4.—Bond issue for the permanent improvement of public roads, both in Livingston and Berkeley Districts, carried in its favor by more than 100 majority. This will give Spotsylvania County two permanently improved public roads for forty miles each way, running from east to west across the entire county.

In Berkeley District an issue of \$20,000 is authorized, and in Livingston District the amount authorized is \$75,000.

NEW MAYOR OF WEST POINT



HANSFORD ANDERSON, Successor to the late Mayor A. W. Eastwood.

Odds and Ends From the Wire

SWIM AT HARVARD COSTS \$15.

Only Few Students Use \$35,000 Private Dormitory Pool. Boston, February 4.—Figures show that each time a student occupying apartments in Dunster and Little's halls at Harvard takes a dip in the magnificent \$35,000 swimming pool it costs \$15.

Only a few of the two privately owned dormitories are allowed the privilege of the pool, with the result that it is practically unused. The expense of the upkeep of the fine porcelain tank is large, and the resulting record makes a swim there costly diversion.

RABBITS' BLOOD FAILS.

Injected Into Body of Woman, but Does Not Save Life.

Fremont, Neb., February 4.—Blood from seven live rabbits injected into the body of Mrs. Frederick Bruhn, of Seattle, failed to save her life and she died here at the hospital where the operation was performed.

Mrs. Bruhn was seized with internal hemorrhage while on a train and was removed from the car here. She was rushed to the hospital and the loss of blood became so great that surgeons determined to inject animal blood. Several rabbits were secured and their blood drawn and injected into the veins of the woman, but in vain.

BREAKS JAIL TO VISIT JUDGE.

New Brunswick Prisoner Climbs Wall to Talk About His Case.

New Brunswick, February 4.—Peter Freier has new ideas of jailbreaking. He climbed the wall of the Middlesex County Jail and strolled about town in the hope of explaining his case to Judge Peter P. Daly. He is back now, and says he feels better for the outing, even though he didn't meet the judge.

A pile of ashes had been dumped against the wall, and a ladder on top of it furnished the foot of the transportation. In a few moments Freier was walking the streets. He borrowed a hat and coat and went to Judge Daly's office. He rang the doorbell and asked for the judge. He was told by a servant that the judge would not be visible until 3 o'clock. So Peter continued his walk. He met several people. One of them was Martin Lalley, janitor of the courthouse. Mr. Lalley asked him what he was doing.

"Waiting for the judge," said Peter, and strode on.

Lalley telephoned to Warden Denmore to ask if Freier had been discharged. Denmore said he hadn't. The police were notified, and the rest of Freier's walk was back to jail with an escort.

Coming of The Sunbeam

How to Avoid Those Pains and Distress Which so Many Mothers Have Suffered.

It is a pity more women do not know of Mother's Friend. Here is a remedy that softens the muscles, enables the mother to expand without any strain upon the ligaments and enables women to go through the ordeal without pain, nausea, morning sickness or any of the dreaded symptoms so familiar to many mothers.

There is no foolish diet to harass the mind. The thoughts do not dwell upon pain and suffering, for all such are avoided. Thousands of women no longer resign themselves to the thought that sickness and distress are natural. They know better, for in Mother's Friend they have found how easy it is with this wonderful penetrating remedy to banish all those dreaded experiences which have been talked about ever since memory began.

It is a subject every woman should be familiar with, and even though she may not require such a remedy, she will now and then meet some prospective mother to whom a word in time about Mother's Friend will come as a wonderful blessing. This famous remedy is sold by all druggists, and is only \$1.00 a bottle. It is for external use only, and is really worth its weight in gold. Write to-day to the Bradford Regulator Co., 127 Lamar Bldg., Atlanta, Ga., for a most valuable book to expectant mothers.

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BEEES BY MAIL GET BUSY.

Escape in San Francisco Office and Store Things Up.

San Francisco, February 4.—A diminutive hive of bees, consigned to Joseph Adlerberg, of Inverness, was lifted from the mail pouch last night by a post-office clerk, and the local post-office yesterday. The insects began to emerge from a corner of the box which had been broken in transit. O'Toole says there were a million of them, and that they were as busy for a few moments as it was possible for bees to be.

After the bees had escaped O'Toole examined the little hive and found it contained a queen bee, inclosed in a private compartment. He liberated her and her subjects collected about her. Then it was an easy matter for O'Toole to entice the swarm back into captivity.

LEFT BABY TO SEE "MOVIES."

Infant Waits Out in Cold and Nearly

Cincinnati, February 4.—A crusade against parents who leave their children remaining outside the picture shows while they see the movies was begun yesterday by the Ohio Humane Society. This plan was decided on following the finding of a baby in a serious condition from the effects of exposure to cold. The babe was found in a carriage outside a moving picture theatre. It had been left there alone for an hour. The mother was warned that she would be prosecuted if she repeated the offense she was being prosecuted.

NECKLACE FOR MRS. TAFT.

Friends Will Make Farewell Gift to President's Wife.

Washington, February 4.—Society women and friends of Mrs. Taft to-day began quietly the circulation of a subscription list for the purchase of a farewell gift for the President's wife, Miss Mabel Boardman. Mrs. Taft's departure from the White House four years ago.

PREACHER GETS BACK SALARY.

But Church Is Said to Satisfy His Judgment of \$6,500.

Philadelphia, February 4.—The Union Presbyterian Church in West Philadelphia was said at sheriff's sale yesterday to have judgment obtained by Rev. Alexander Wadell, a former pastor, for back salary amounting to \$6,500. The property after lively bidding was sold for \$7,500, subject to mortgages amounting to \$1,500. The purchase price was not disclosed. The church will arrange for the congregation to continue in possession.

The office was erected five years ago at an expenditure of \$22,000.

CHARGES AGAINST ROANOKE LAWYER

W. W. Kelley Cited to Show Cause Why He Should Not Be Disbarred.

(Special to The Times-Dispatch.)

Roanoke, Va., February 4.—The initiative in disbarment proceedings from the practice of law in the State of Virginia was taken by the Roanoke Bar Association in a meeting held on last Friday night at the Shenandoah Hotel against W. W. Kelley, a local attorney.

The matter became public to-day after the calling of the docket in the Corporation Court when C. S. McNulty presented the matter to Judge R. C. Jackson. R. H. Willis has been named by the Bar Association to prosecute Mr. Kelley. Judge Staples will issue a rule citing Mr. Kelley to appear before the court at a later date to show cause why he should not be disbarred from the practice of law in the State.

The nature of the trial will be a semi-criminal prosecution, and if guilty it will be the duty of the court to pass such judgment as he may deem proper in the premises. It is said to be within the province of the court to dismiss the charges with a reprimand, unless they prove of an aggravated nature. Should a clear case be made, disbarment from the practice of law will probably be the result.

It is stated that Mr. Kelley is charged with collecting funds for a Lynchburg clinic, which he failed to properly return. The matter was called to the attention of the local Bar Association, and resulted in that body taking the initiative.

The charges against Mr. Kelley will be heard some time during the present term of the court. The rule to appear will be issued in a short time, and the accused will be given an opportunity to prepare his defense. Mr. Kelley has been practicing law in Roanoke for several years, and has many friends here who will regret to learn of the charges and who express the hope that he will be able to clear himself of all blame when the time comes.

Will Appeal From \$50 Fine.

(Special to The Times-Dispatch.)

Bristol, Va., February 3.—Max Allen, a young man, was fined \$50 in the Virginia Bristol Police Court to-day on a charge of soliciting business for a Chattanooga farm journal without having secured a permit. It is claimed he continued to solicit after he had been warned. Allen took an appeal to the Corporation Court.



Magazine Features for February 9th

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A Big Writer

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ELECTION MAY BE CONTESTED

Common Council of West Point
Chooses One of Its Members
for Mayor.

(Special to The Times-Dispatch.)
West Point, Va., February 4.—Hansford Anderson is West Point's new Mayor. He was elected by the Com-

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mon Council last night to fill the unexpired term of the late A. W. Eastwood, who died two weeks ago. Mr. Anderson was a member of the Council, and it is said that his election was agreed upon several days ago at a caucus held in the home of one of the members of the body. A petition signed by fifty-two voters of the town, praying the election of Albert Robinson, was presented to the Council, but had no effect. Mr. Robinson was a candidate for the mayorality at the last election, being defeated by Mayor Eastwood by eight votes.

It was whispered on the streets to-day that the election of Mr. Anderson will be contested on the ground that the Council has no right under the law to elect one of its members to any position that pays a salary, and perhaps on other grounds.

Mr. Anderson has served the town and county in many capacities from 1879, when West Point first became a town. In that year, on September 3, the first election was held for municipal officers, in which there were forty voters cast, and he was duly appointed by the Council the first town sergeant; he also took the census that year, and found about 150 inhabitants of the young town. After that he was from time to time a member of the Town Council. At one time he was commissioner of the revenue, then for eight years postal clerk, the first postal clerk in the town. From 1879 to 1882 he represented the County of King William in the Legislature—two terms. For fourteen years he was postmaster of West Point, until about three years ago, when he was succeeded by John S. DeFarges, the incumbent.

P. B. Shelton, one of West Point's young business men, who to-day announced the selection of Joseph Patrick Turnley to continue as his secretary when he becomes President, declared very emphatically that he absolutely had arrived at no other decision as to appointments.

When shown a published story stating that William J. Bryan, a. Mitchell Palmer, of Pennsylvania, and R. L. Henry, of Texas, had been decided upon by him for Cabinet portfolios, the governor said:

"It's not true, because I haven't decided upon anybody. I have made no offers as yet."

There was a procession of callers

at the State House to-day, mostly on State business, however, and the Governor remained in his office until late to-night so as to be accessible to the Legislature, which was in session.

Representatives Stanley, of Kentucky; Goodwin, of Arkansas; Callaway, of Texas; Tribble, of Georgia, and Russell, of Missouri, urged the Governor to appoint C. S. Barrett, of Georgia, president of the National Farmers' Union, to the Secretaryship of Agriculture.

Charles G. Heifner, of Seattle, former chairman of the Democratic committee of Washington, talked over the Alaskan situation and conservation policies with the President-elect. Former Governor Osborne, of Michigan, a Progressive Republican, was among Mr. Wilson's callers, but the President-elect said the visit was merely social.

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